

Mail Stop Interference
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Filed: November 20, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

KARL KLAUS CONZELMANN
Junior Party
(U.S. Patent No. 6,033,886),

v.

JIN HONG, PETER PALESE,
AND DAVID K. CLARKE,
Senior Party
(U.S. Application No. 09/724,388).

Patent Interference No. 105,503 (MPT)
(Technology Center 1600)

REDECLARATION - Bd. R. 203(c)

Michael P. Tierney, *Administrative Patent Judge*.

As set forth in the Order (Paper No. 18), mailed concurrent with this Redecoration, a conference call was held on November 16, 2006. During the conference both parties informed the Board that Conzelmann's corresponding claim 2 was patentably distinct from Count 1, the sole count in interference. Specifically, as explained in Hong's Motions List (Paper No. 17), Count 1 is directed to paramyxoviruses whereas Conzelmann claim 2 specifies a psuedogene region not found in paramyxovirus genomes. Accordingly, the Board redeclares the interference for the sole purpose of identifying Conzelmann claim 2 as not corresponding to Count 1. The count and accorded benefit remain the same as set forth in the Notice Declaring Interference

1 (Paper No. 1), but are reproduced below for the convenience of the reader.

2
3 Part F. Count and claims of the parties

4 Count 1

5 Claim 7 of U.S. Application No. 09/724,388 or Claim 9 of U.S. Patent No. 6,033,886.

6
7 The claims of the parties are:

8 Hong, U.S. Application 09/724,388: 7-10, 12, 17, 18, 20 and 22

9 Conzelmann, U.S. Patent 6,033,886: 1-19

10
11 The claims of the parties which correspond to Count 1 are:

12 Hong, U.S. Application 09/724,388: 7-10, 12, 17, 18, 20 and 22

13 Conzelmann, U.S. Patent 6,033,886: 1, 3, 8, 9 and 12

14
15 The claims of the parties which do not correspond to Count 1, and therefore are not
16 involved in the interference, are:

17 Hong, U.S. Application 09/724,388: None

18 Conzelmann, U.S. Patent 6,033,886: 2, 4-7, 10-11 and 13-19

1 The parties are accorded the following benefit for Count 1:

2 Hong is accorded priority benefit of the following applications:

- 3 1) U.S. Application No. 09/161,122, filed September 25, 1998, now
4 abandoned;
5 2) U.S. Application 08/316,439, filed September 30, 1994, now U.S. Patent
6 No. 5,840,520, issued November 24, 1998.
7

Conzelmann is accorded priority benefit of the following applications:

U.S. Application No. 08/503,351, filed July 18, 1995, now abandoned.

/ss/Michael P. Tierney
MICHAEL P. TIERNEY
Administrative Patent Judge

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